

d. Remarks

Claims 1-20, as amended, are pending in the application. Elected Claims 1-9 and 20 stand rejected. The elected claims have been amended; the non-elected claims have not been amended. Nonelected Claims 10-19 have been withdrawn from consideration by the Examiner. Applicants traverse the restriction/election requirement.

1. Rejection under §112, first paragraph

Claims 5 and 6 stand rejected under 35 USC 112, first paragraph. Claim 6 no longer depends on Claim 5. Claim 6 has been amended to include the limitations of Claim 1 and intermediate Claim 4. No new matter has been introduced by this amendment. Other than this Section 112, first paragraph rejection regarding the pressure valve limitation of Claim 5 (see top of page 3), formerly dependent Claim 6 received no other rejections and is believed to be in condition for allowance. Also, Claims 7 and 20 now depend on Claim 6 (see discussion below).

Claim 5 has been amended to state that the “second end of the water hose comprises a mechanism for connection to a water spigot of a sink”. Antecedent basis is found on page 13, last full paragraph, of Applicants’ specification.

2. Rejection under §102

Claims 1-3 and 7-9 stand rejected under 35 USC §102(a) as being anticipated by Lagomarsino. There appears to be an error at the top of page 2 of the Office action, where both Sections §102(a) and (b) are cited as the basis for rejection under this section. Although Applicants respectfully disagree with the §102 rejection, the claims have been amended in the interest of obtaining an auspicious allowance.

Claim 1 has been amended to include the following limitation: “(d) a water hose comprising a spray shower head attached to a first one of its ends, the water hose being

attachable at its opposite, second end to a water source". No new matter has been introduced by this amendment. Antecedent basis for the shower head 41 is found on page 13 (also see FIG. 17). The "Summary of the Invention" has been amended herein to reflect amended Claim 1. FIG. 1 has been corrected to include the item number for the shower head, 41. Approval of FIG. 1 (enclosed) and admission of the amendments are requested.

Where a claim is rejected as anticipated by a cited reference, no question of obviousness must be present. "In other words, for anticipation under 35 USC 102, the reference must teach every aspect of the claimed invention, either expressly or impliedly. Any feature not directly taught must be inherently present." See MPEP §706.02(a). Since this "water hose with spray shower head" element is not taught or found in the Lagomarsino patent for a bed spread that is transformable into a bathtub, it is believed that Applicants' claimed invention is not anticipated by Lagomarsino.

Claims 2, 3 and 7-9 depend directly or indirectly on amended Claim 1. The elected dependent claims have also been amended to start with "The" rather than "A" as a matter of form, and the word "shower" has been substituted for the word "bath" in all of the elected claims (per page 11, line 13 of the specification, for example) and in the title (see "Amendment to the Specification") for clarity.

Secondly, Claim 3 has been amended to state that Applicants' shower device does not comprise "a separate means of positional support", which is apparent from Applicants' FIG. 1 (see page 6 amendment, above). Lagomarsino requires a separate means of positional support 10, which is described in his Abstract, paragraph 0062, and FIGS. 1 & 3.

Another element not present in Lagomarsino is the following element of Applicants' Claim 1: "side wall is convertible from a generally horizontal, planar, folded position adjacent the bottom wall". Lagomarsino begins with a flat, open, square sheet (see Abstract and paragraph 0040). The borders of the open sheet are folded up along fold lines (see his FIGS. 3-open and 1). Lagomarsino does not teach or describe the borders being convertible from a folded position adjacent the bottom wall.

Turning to amended Claim 7, which depends on independent Claim 6, also states that Applicants' device does not comprise a rigid member supportable to a side wall for

supplying rigidity to the side wall, which is apparent on viewing Applicants' FIG. 1 (see page 6, middle paragraph, of Applicants' specification). Lagomarsino's bathtub bed spread requires a rigid member 12 supportable to the wall 6, 7 for supplying rigidity to the wall (see Lagomarsino's Abstract, paragraph 0045, and FIG. 1).

Lastly, in regard to Claim 8, the following limitation has been incorporated: "wherein the side walls are sealed to corresponding edges of the bottom wall" (see page 6, middle paragraph, of Applicants' specification). This limitation is not present in Lagomarsino's laminar bed sheet, which employs fold lines for defining walls.

Since Applicants' invention has not been patented or described in the Lagomarsino patent, it is submitted that their invention is not anticipated by Lagomarsino under Section 102. Allowance of amended Claims 1-3 and 7-9 is therefore requested.

3. Rejections under §103(a)

Claim 4 stands rejected under 35 USC §103(a) as being unpatentable over Lagomarsino in view of Williams. Claim 4 depends on amended Claim 1, which is believed to be in condition for allowance (see above discussion).

Claim 20 stands rejected under 35 USC §103(a) as being unpatentable over Lagomarsino in view of Rhines. Claim 20 has been amended to depend on independent Claim 6, which is believed to be in condition for allowance. Also, Claim 20 has also been amended to include the water hose with the shower head (see page 13, line 23), the "second end of the water hose being attachable to the portable water tank for showering a person in the shower device with water from the portable water tank". In Rhines, two hoses are attached to the bath tub apparatus, with a water pump 46 between the water storage tank 40 and the bath tub 16 to move water from the tank through hose 48 to the bath tub 16. Also, Rhines uses an air pump 60 between an air tank 61 (mounted on the water storage tank 40) and the bath tub for inflating the bath tub 16. Neither reference discloses a water hose with a shower head at a first end connected at its second end to a portable water tank. Barring hindsight, it would not have been obvious in light of Rhines (portable bathtub) and

Lagomarsino (bathtub bed) to have used a water hose with a shower head attached to a portable water tank for showering a person in a shower device.

Lastly, the brief description of FIGS. 15 and 16 has been amended (page 4 of the specification).

Although Applicants respectfully disagree with these rejections, they seek to gain an auspicious allowance and have therefore voluntarily amended the claims. No new matter has been added by these amendments. Applicants would be pleased to supply additional information in support of this application, or to discuss over the telephone any additional amendments the Examiner considers necessary to place the application in condition for allowance. Applicants request that these amendments be made of record in the case and considered by the United States Patent and Trademark Office Examiner, and that the claims as amended be allowed.

Respectfully submitted,

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c. Drawings

Please substitute corrected FIG. 1, attached, for FIG. 1 of the drawings.

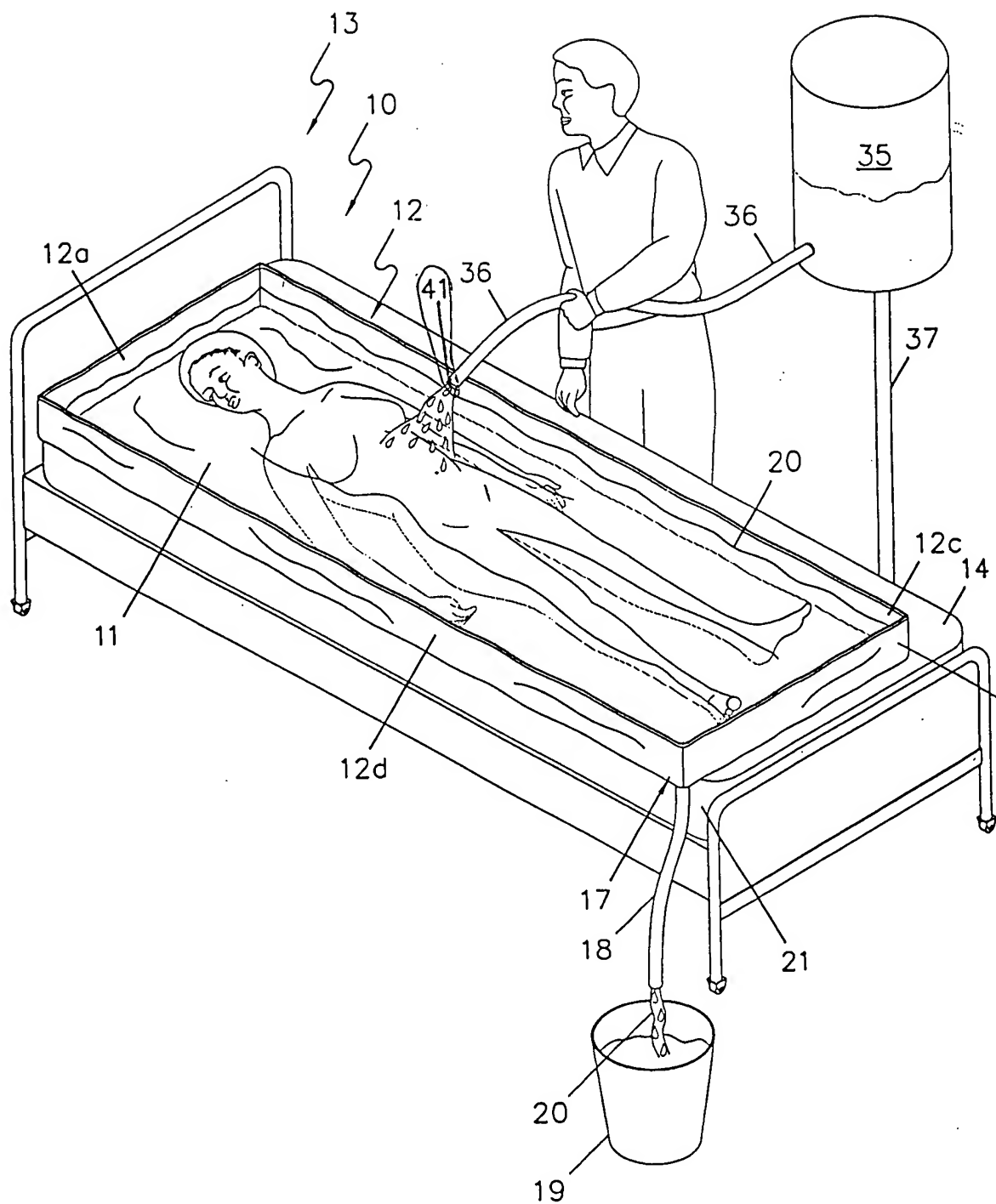


FIG. 1